



0000159037

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

2014 DEC 23 P 3:06

Arizona Corporation Commission

DOCKETED

DEC 23 2014

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

AZ CORP COMMISSION
DOCKET CONTROL

ORIGINAL

DOCKETED BY

IN THE MATTER OF THE APPLICATION FOR
NAVAJO WATER COMPANY FOR THE
APPROVAL OF A RATE ADJUSTMENT.

DOCKET NO. W-03511A-14-0304

PROCEDURAL ORDER**BY THE COMMISSION:**

On August 15, 2014, Navajo Water Company ("Navajo") filed with the Arizona Corporation Commission ("Commission") an application for a rate increase, based on a test year ended June 30, 2014.

On August 26, 2014 and September 10, 2014, Navajo filed supplements to the application.

On September 10, 2014, the Commission's Utilities Division Staff ("Staff") filed a Letter of Deficiency.

On September 30, 2014, Navajo filed an additional supplement to its application.

On October 10, 2014, Staff issued a letter indicating that Navajo's application had met the sufficiency requirements of Arizona Administrative Code ("A.A.C.") R14-2-103 and classifying Navajo as a Class D utility.

On October 20, 2014, Brooke Utilities Inc. ("Brooke") filed an Application for Intervention.

On October 28, 2014, Navajo filed its Opposition to Brooke's Application for Intervention.

On November 3, 2014, Brooke filed its Response to Navajo's Opposition.

On November 7, 2014, a Procedural Order was issued. The Procedural Order stated that based on Brooke's filings, the record is not clear whether Brooke will be directly and substantially affected by this rate case proceeding, and that without more specific information from Brooke, it could not be determined whether a basis exists for granting Brooke intervention. The Rate Case Procedural Order allowed Brooke, if it wished any further consideration of its Application to Intervene, to file a supplement to its Application to Intervene, no later than November 17, 2014, that

1 specifically indicated how and why the terms and conditions of the May 31, 2013 Stock Purchase
2 Agreement between Brooke and Navajo, in conjunction with Navajo's current rate case filing, would
3 directly and substantially affect Brooke.

4 On November 14, 2014, Brooke filed a Request for Extension to File Supplemental
5 Application to Intervene, requesting a revised filing deadline of November 24, 2014. Brooke's
6 request for an extension of time is reasonable. The deadline for Brooke to file a supplement to its
7 Application to Intervene should be extended to January 6, 2015. If no supplement is filed by January
8 6, 2015, Brooke's Application to Intervene will be denied. If Brooke is granted intervention, Brooke
9 must either be represented by counsel, or must file evidence of a board resolution authorizing a
10 specifically named officer of the corporation to represent it.¹

11 IT IS THEREFORE ORDERED that if **Brooke Utilities, Inc.** wishes any further
12 consideration of its Application to Intervene, it **may file, no later than January 6, 2014, a**
13 **supplement to its Application to Intervene** that specifically indicates how and why the terms and
14 conditions of the May 31, 2013 Stock Purchase Agreement between Brooke Utilities, Inc. and Navajo
15 Water Company, in conjunction with Navajo Water Company's current rate case filing, will directly
16 and substantially affect Brooke Utilities, Inc. If no supplement to its Application to Intervene is
17 docketed on or before January 6, 2014, Brooke Utilities, Inc.'s Application to Intervene will be
18 denied.

19 IT IS FURTHER ORDERED that if Brooke Utilities, Inc. timely files the above-authorized
20 supplement to its Application to Intervene, **Navajo Water Company and the Commission's**
21 **Utilities Division shall file responses thereto within 5 calendar days.**

22 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
23 31, 38 and 42, and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

24 ...

25
26 ¹ If a corporation is not represented by an attorney authorized to practice law in Arizona in a proceeding before the
27 Commission, an officer of the corporation may represent the entity as long as the board of directors has authorized such
28 person to represent it in the matter and such representation is not the person's primary duty to the entity, but secondary or
incidental to other duties relating to the management or operation of the entity, and such person is not receiving separate
or additional compensation for such representation. See Arizona Supreme Court Rule 31(d)(11). The Commission
requires evidence of board authorization.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) continues to apply to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 23^d day of December, 2014.


TEENA JIBILIAN
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 23^d day of December, 2014 to:

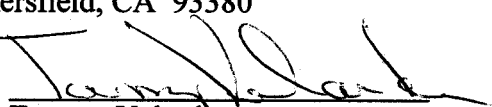
Jason Williamson, President
Tonto Basin Water Company, Inc.
JW Water Holdings, LLC
P.O. Box 200595
Denver, CO 80220

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Pending Intervention

Brooke Utilities, Inc.
PO BOX 82218
Bakersfield, CA 93380

By: 
Tammy Velarde
Assistant to Teena Jibilian